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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,785	04/16/2004	Michael R. Watson	ZILG.263US1	1278
36257	7590	01/06/2006	EXAMINER	
PARSONS HSUE & DE RUNTZ LLP 595 MARKET STREET SUITE 1900 SAN FRANCISCO, CA 94105			SINGH, DALZID E	
			ART UNIT	PAPER NUMBER
			2633	

DATE MAILED: 01/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/826,785

Applicant(s)

WATSON ET AL.

Examiner

Dalzid Singh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 18-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 18-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 and 18-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura (US Patent No. 6,211,797) in view of Nykanen (US Patent No. 6,728,774).

Regarding claim 1, Kimura disclose a device comprising:

an application set group that includes at least one application set (see col. 3, lines 16-23 and 34-36 and in Fig. 7, Kimura shows application program (50) which is considered as application set);

a protocol stack group that includes at least a first protocol stack (see col. 3, lines 13-29);

a wireless transceiver, wherein the application set group and the protocol stack group are in communication with the wireless transceiver, wherein the wireless transceiver receives a communication from a peripheral device (Fig. 7 show wireless transceiver (23) in communication with peripheral unit (51); in col. 7, lines 35-41, the external device such as peripheral device transmits information or instruction);

a detector that is in communication with the peripheral device, wherein the detector detects the configuration of the peripheral device (in col. 10, lines 35-46, infrared monitor detects or find infrared unit such as peripheral device; the information

or configuration of the peripheral device is detected or received; see col. 7, lines 35-41);
and

a stack selector that enables the first protocol stack in response to the detector detecting the configuration of the applications set in the peripheral device (see col. 8, lines 46-62; the protocol selector can be considered as the stack selector, which is selected based on the detected signal).

Kimura discloses the transceiver is in communication with external devices such as peripheral devices and differ from the claimed invention in that Kimura does not disclose that the communication contains instructions from an application set in the peripheral device. Nykanen is cited to show discovery process in which application set of other devices is discovered (see col. 4, lines 2-19). Therefore it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to provide instruction from application set. One of ordinary skill in the art would have been motivated to do so in order to provide reliable and optimum communication.

Regarding claim 2, as discussed above, the combination of Kimura and Nykanen discloses detection of application set and differs from the claimed invention in that the combination does not disclose the application set group includes an optimum application set, and wherein the detector further enables the optimum application set response to detecting the configuration of the application set in the peripheral device. However, it would have been obvious that the application set is selected for optimum performance in order to eliminate communication error).

Regarding claim 3, the combination of Kimura and Nykanen differs from the claimed invention in that the combination does not specifically disclose in an initial communications condition the selector enables a default application set of the application set group, and wherein in the initial communications condition, the stack selector enables a default protocol stack of the protocol group. However, it would have been obvious that initial communication is defined in order to initially communicate information to other device regarding protocol and application set and hence establish communication (see col. 5, lines 13-46).

Regarding claim 4, Kimura disclose that the initial communications condition is reestablished upon cessation of communications between the wireless transceiver and the peripheral device (see col. 5, lines 13-46; it would have been obvious that communication is reestablish in order to provide continuous link).

Regarding claim 5, Kimura disclose method comprising the steps of:

enabling a default protocol stack in a device, wherein the device comprises a wireless transceiver, an application set group with at least one application set (see col. 3, lines 16-23 and 34-36 and in Fig. 7, Kimura shows application program (50) which is considered as application set; Fig. 7 show wireless transceiver (23) in communication with peripheral unit (51); in col. 7, lines 35-41, the external device such as peripheral device transmits information or instruction) and a protocol stack group with at least a first protocol stack (see col. 3, lines 13-29);

receiving a communication from a peripheral device, wherein the communication contains instructions from an application set in the peripheral device, and wherein the

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application set in the peripheral device has a configuration; (Fig. 1 show wireless transceiver; in col. 3, lines 47-63, Kimura discloses communication with peripheral unit);

detecting the configuration of the application set in the peripheral device (in col. 10, lines 35-46, infrared monitor detects or find infrared unit such as peripheral device; the information or configuration of the peripheral device is detected or received; see col. 7, lines 35-41); and

enabling an upgraded protocol stack in the device in response to the detecting the configuration in the peripheral device (see col. 8, lines 46-62; the protocol selector can be considered as the stack selector, which can be selected or upgraded based on the detected signal).

Kimura discloses the transceiver is in communication with external devices such as peripheral devices and differ from the claimed invention in that Kimura does not disclose that the communication contains instructions from an application set in the peripheral device. Nykanen is cited to show discovery process in which application set of other devices is discovered (see col. 4, lines 2-19). Therefore it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to provide instruction from application set. One of ordinary skill in the art would have been motivated to so such in order to provide reliable and optimum communication.

Regarding claim 6, as discussed above, the combination of Kimura and Nykanen discloses querying the peripheral device for the configuration of the application set in the peripheral device (there must be query in order to receive or discover information relating to other device).

Regarding claim 7, as discussed above, as discussed above, the combination of Kimura and Nykanen discloses detection of application set and differs from the claimed invention in that the combination does not disclose the application group includes an optimum application set, further comprising enabling the optimum application set in response to the detecting configuration of the application set in the peripheral device. However, it would have been obvious that initial communication is defined in order to initially communicate information to other device regarding protocol and application set and hence establish communication (see col. 5, lines 13-46).

Regarding claim 8, the combination of Kimura and Nykanen differs from the claimed invention in that the combination does not specifically disclose the application set group includes a default application set and wherein the protocol stack group includes a default protocol stack, further comprising, after the enabling the upgraded protocol stack: enabling the default application set; and enabling the default protocol stack. However, it would have been obvious that initial communication is defined in order to initially communicate information to other device regarding protocol and application set and hence establish communication (see col. 5, lines 13-46).

Regarding claim 9, in col. 8, lines 12-20, Kimura discloses communication with printer.

Regarding claim 18, Kimura discloses a device comprising:
an application group that includes a first application version and a second application version (in col. 8, lines 30-45; Kimura discloses program replacement, it appears that there is more than one application program),

a protocol stack group that includes a first protocol stack and a second protocol stack (see col. 3, lines 13-29, Kimura disclose protocol stack);

a wireless transceiver, wherein the wireless transceiver receives a communication from a second device, wherein the second device contains a configuration (see col. 3, lines 16-23 and 34-36 and in Fig. 7, Kimura shows application program (50) which is considered as application set; Fig. 7 show wireless transceiver (23) in communication with a second device (51); in col. 7, lines 35-41, the external device transmits information or instruction);

a detector that detects the configuration of the application in the second device, and a selector that enables the first protocol stack in response to the detector detecting the configuration of the application in the second device (in col. 10, lines 35-46, infrared monitor detects or find infrared unit such as peripheral device; the information or configuration of the peripheral device is detected or received; see col. 7, lines 35-41).

Kimura discloses the transceiver is in communication with external devices such as a second device and differ from the claimed invention in that Kimura does not disclose that the communication contains instructions from an application set in the second device. Nykanen is cited to show discovery process in which application set of other devices is discovered (see col. 4, lines 2-19). Therefore it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to provide instruction from application set. One of ordinary skill in the art would have been motivated to do so in order to provide reliable and optimum communication.

Regarding claim 19, wherein the second application version is a software program for executing a function on the second device (in col. 8, lines 30-45, Kimura discloses program for communicating with other devices; see Fig. 7).

Regarding claim 20, wherein the function is printing (see col. 8, lines 12-20).

Regarding claim 21, Kimura discloses the transceiver is in communication with external devices such as second device and differ from the claimed invention in that Kimura does not disclose detecting the configuration of the application in the second device. Nykanen is cited to show discovery process in which application set of other devices is discovered (see col. 4, lines 2-19). Therefore it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to provide instruction from application set. One of ordinary skill in the art would have been motivated to do so in order to provide reliable and optimum communication.

Regarding claim 22, wherein the first application version communicates with the wireless transceiver through the first protocol stack (see col. 3, lines 13-29).

Regarding claim 23, wherein the first protocol stack is an infrared communications protocol stack (see col. 8, lines 17-19).

Regarding claim 24, wherein the wireless transceiver receives the communication from the second device via radio frequency communications (see col. 8, lines 17-19).

Regarding claim 25, wherein the detector queries the second device for the configuration of the application in the second device (there must be query in order to receive or discover information relating to other device).

Regarding claim 26, Kimura discloses a device comprising:

a protocol stack group that includes a plurality of protocol stacks, wherein one of the plurality of protocol stacks is an optimum protocol stack (see col. 3, lines 13-29 and col. 8, lines 46-62);

a wireless transceiver, wherein the wireless transceiver receives a communication from a second device, wherein the second device contains a configuration, and means for enabling the optimum protocol stack based on the configuration of the second device (see col. 3, lines 16-23 and 34-36 and in Fig. 7, Kimura shows application program (50) which is considered as application set; Fig. 7 show wireless transceiver (23) in communication with a second device (51); in col. 7, lines 35-41, the external device transmits information or instruction).

Kimura discloses the transceiver is in communication with external devices such as a second device and differ from the claimed invention in that Kimura does not disclose that the communication contains instructions from an application set in the second device. Nykanen is cited to show discovery process in which application set of other devices is discovered (see col. 4, lines 2-19). Therefore it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to provide instruction from application set. One of ordinary skill in the art would have been motivated to do so in order to provide reliable and optimum communication.

Regarding claim 27, wherein the application in the second device comprises instructions to execute a print function (see col. 8, lines 12-20).

Regarding claim 28, in col. 10, lines 33-44, infrared monitor detects configuration of the second device.

Regarding claim 29, the combination of Kimura and Nykanen differs from the claimed invention in that the combination does not specifically disclose the device begins communicating with the second device using a default protocol stack. However, it would have been obvious that initial communication is defined in order to initially communicate information to other device regarding protocol and application set and hence establish communication (see col. 5, lines 13-46).

Response to Arguments

3. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Peacock (US Pub. No. 2002/0016868) is cited to show method and apparatus for serial port sharing.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalzid Singh whose telephone number is (571) 272-3029. The examiner can normally be reached on Mon-Fri 9am - 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DS

December 23, 2005

David Singh